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Return Receipt Requested

January 7, 2010

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site, San Francisco, CA
Response to 104(e) Information Request**

This letter responds to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to NL Industries, Inc. ("NL" or "Respondent") with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, NL submits the following in response to the RFI and in accordance with the January 11, 2010 due date that EPA has established for this response.

In responding to the RFI, NL has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. However, the RFI purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between Respondent and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility").

The RFI also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA; thus NL has

limited its review of documents and information to the specific COCs identified by EPA.

As you know, the California Department of Toxic Substances Control ("**DTSC**") conducted an extensive investigation of the BAD Site and Respondent's purported operations in connection with it. DTSC's investigation included an information request to NL and the DTSC files include NL's Responses to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Thus, the focus of NL's identification, review and retrieval of documents in response to this RFI has been upon data that has not been previously provided to EPA, DTSC or any other governmental agency that is relevant to the Site. NL is not producing duplicates of any documents or restating any information already provided in its previous responses to DTSC or otherwise in the public domain or available to EPA.

GENERAL OBJECTIONS

Respondent asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. Respondent asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("**CBI**") and trade secret protections, and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the RFI, Respondent asks that any such document be returned to NL immediately and here states for the record that it is not thereby waiving any available privilege or protection as to any such document.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the numerous documents provided in response to the RFI, Respondent asks that any such documents be returned to NL immediately so that Respondent may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.
3. Respondent objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and Respondent's purported operations in connection with it. DTSC's investigation included an information request to NL and the DTSC files include NL's Responses to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. In response to this RFI, NL is not producing duplicates of any documents or restating any information already provided in its previous responses to DTSC or otherwise in the public domain or available to EPA.

4. Respondent objects to Instruction 4 to the extent it seeks to require Respondent, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." NL is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.

5. Respondent objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on Respondent to supplement these responses. NL will, of course, comply with any lawful future requests that are within EPA's authority.

6. Respondent objects to Instruction 6 in that it purports to require Respondent to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of Respondent. EPA lacks the authority to require Respondent to seek information not in its possession, custody or control.

7. Respondent objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in NL's possession, custody, or control. Respondent disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known by Respondent to exist" but not in Respondent's possession, custody, or control.

8. Respondent objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.

9. Respondent objects to the definition of "identify" in Definition 7 to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, current NL employees and any other natural persons are identified by name and corporate address. NL requests that any contacts with NL's employees identified in these responses or the related documents be initiated through Courtney Riley, Executive Director Environmental Management, at the address and phone number provided in the letterhead and in response to Request 24.

10. Respondent objects to the definition of "Respondent," "you," "the company" or "your company" in Definition 14 because the terms are overbroad and it is not possible for Respondent to answer questions on behalf of all the persons and entities identified therein. Notwithstanding this objection, and without waiving it, NL has undertaken a diligent and good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the RFI.

11. Respondent objects to EPA's requests that NL provide EPA separately information that is contained in documents being furnished by Respondent in response to the RFI. Where documents have been provided in connection with a response, information sought by EPA in the

corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

Please note that submission of this response and accompanying documents is not intended, and should not be construed, as an acknowledgment or admission of any responsibility, or liability of NL, its officers, directors, employees, agent or representatives, regarding the Site or any other site or facility, or as a waiver of any rights, privileges or defenses with respect thereto. NL reserves the right to object to the use, in whole or in part, of any document or information submitted herewith in any proceeding for any purpose. Subject to these General Objections, NL responds as follows:

RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE TO 1:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. NL's history spans over 100 years. Therefore, identifying each of the products manufactured, formulated, or prepared by NL is not feasible due to scope of products and the extent of NL's history.

NL also objects to the extent this request seeks information that is a matter of public record. Notwithstanding the foregoing, and without any waiver of its objections, responsive information can be found in NL's public filings available at www.sec.gov and in its annual reports to shareholders, which are a matter of public record. For convenience, Respondent provides the following corporate information: Respondent is primarily a holding company. Respondent currently operates in the component products industry through its majority owned subsidiary, CompX International, Inc. Respondent currently operates in the chemicals industry through its non-controlling interest in Kronos Worldwide, Inc.

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*

- a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
- b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*

- c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

RESPONSE TO 2a-c:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with an alleged connection to the BAD Site, Request No. 2 purports to also seek information regarding any facility located in California (excluding locations where ONLY clerical/office work was performed) and any facility located outside of California that shipped drums or other containers to any location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, a past review of DTSC files indicated that NL's only purported link to the BAD Site was based on interviews of two former BAD Site co-owners (and PRP's of the BAD Site) who allege that two former NL facilities, one located at 24th Street and the other at Marin Street in San Francisco, California, used the BAD Site. In addition, NL previously produced to DTSC internal interviews of 3 former NL employees who thought the former NL facility at 24th Street may have used the BAD Site, however, none of these former employees had any direct knowledge of such use. To NL's knowledge, there is no physical documentation, transactional documents, waste-in/out records or other business records to substantiate that either of these former facilities shipped drums or other containers to the BAD Site during NL's operations for recycling, cleaning, reuse, disposal or sale. NL's additional search for information and documents in response to this RFI has not yielded documents or information responsive to this RFI that have not already been produced to DTSC or is otherwise available to EPA.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

- a. *the date such operations commenced and concluded; and*
- b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE TO 3:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, NL objects to request (b.) in that it describes "types of work performed at each location over time" Without an identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL's additional search for information and documents in response to this RFI has not yielded any documents or information responsive to this request that have not already been produced to DTSC or is otherwise available to EPA. The information already available to EPA indicates that NL operated the 24th Street facility from approximately 1926 to 1970. The exact timeframe of operation of the Marin plant is unknown, however, it is believed that NL began operation of the plant at some time during the 1950's and ceased operations at that property in the 1970s. To NL's knowledge, the 24th Street facility was a varnish plant and the Marin Street facility was used to store lacquer. In the DTSC interviews, the former co-owners of BAD Site stated that "dirty varnish drums" were picked up at these former NL sites and brought to the BAD Site. Even if such drums were ever sent to the BAD Site, which NL denies, the materials in those drums would not have contained any of the COCs or SOIs which are the subject of this RFI.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE TO 4:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require Respondent to describe "types of records." Where documents have been provided in response to this RFI, each and every document regarding SOIs is not also "identified" by describing its contents. NL further objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus Respondent has limited its review of documents and information to the specific COCs identified by EPA.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no records responsive to this request.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE TO 5:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Respondent's Facilities and the BAD Site, Request No. 5 purports to seek information relating to NL's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE TO 6:

See RESPONSE TO 5.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE TO 7:

See RESPONSE TO 5.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE TO 8:

See RESPONSE TO 5.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE TO 9:

See RESPONSE TO 5.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE TO 10:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic oil or transformer oil at Respondent's Facilities and the BAD Site, Request No. 10 purports to seek information relating to NL's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE TO 11:

See RESPONSE TO 10.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE TO 12:

See RESPONSE TO 10.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE TO 13:

See RESPONSE TO 10.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE TO 14:

See RESPONSE TO 10.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
- b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE TO 15:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to NL's Facilities that is not relevant to contamination at the Site.

See RESPONSES TO 5 and RESPONSE TO 10.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

RESPONSE TO 16:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to NL's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE TO 17:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. NL further objects to Request No. 17 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its purported customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 17 purports to seek information that does not exist.

Respondent further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus NL has limited its review of documents and information to the COCs identified by EPA.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this

request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

RESPONSE TO 18:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE TO 19:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Respondent further objects to Request No. 19 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its purported customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 19 purports to seek information that does not exist. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

20. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

RESPONSE TO 20:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between Materials at Respondent's Facilities and the BAD Site, Request No. 20 purports to seek information relating to Respondent's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information and/or documents responsive to this request.

21. *Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*

- a. *the type of container in which each type of waste was placed/stored;*
- b. *how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE TO 21:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than those with any alleged nexus to the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

22. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. *the colors of the containers;*
- c. *any distinctive stripes or other markings on those containers;*
- d. *any labels or writing on those containers (including the content of those labels);*
- e. *whether those containers were new or used; and*
- f. *if those containers were used, a description of the prior use of the container;*

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE TO 22:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. NL further objects to Request No. 22 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its purported customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 22 purports to seek information that does not exist.

As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Respondent further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, NL has limited its review of documents and information to the specific COCs identified by EPA. Additionally, Respondent objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken to any other place during any time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

23. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE TO 23:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. NL further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, Respondent has limited its review of documents and information to the specific COCs identified by EPA. Additionally, NL objects to Request No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to any other place during any time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

RESPONSE TO 24:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. NL's history spans over 100 years. Therefore, identifying all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters at all of Respondent's Facilities, including those that have no nexus to the BAD Site, is not feasible due to the extent of NL's historical operations.

Notwithstanding the foregoing, and without any waiver of its objections, in its previous responses to DTSC NL provided the names of persons who may have some knowledge of operations at the 24th Street and Marin Street properties. NL has identified one additional individual, a Mr. Francis Avakian, Assistant Plant Manager for the 24th Street property as of 1968. NL has no current contact information for Mr. Avakian.

In addition, the following NL employees currently have some responsibility for NL environmental matters:

Courtney Riley – Executive Director Environmental Management
5430 LBJ Freeway Suite 1700, Dallas, Texas 75240
972-448-1466

Kevin Lombardozi – Director Environmental Management
5430 LBJ Freeway Suite 1700, Dallas, Texas 75240
972-448-1480

Tracee Thomas – Corporate Counsel
5430 LBJ Freeway Suite 1700, Dallas, Texas 75240
972-448-1458

Joan Lewis - Paralegal
5430 LBJ Freeway Suite 1700, Dallas, Texas 75240
972-450-4264

25. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

RESPONSE TO 25:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which NL has

ever acquired such drums or containers is not feasible due to extent of NL's history and duration of time of that former facilities have been non-operational.

Notwithstanding the foregoing, and without any waiver of its objections, NL has reviewed information on file at DTSC that indicates NL's former Vernon, California facility purchased a limited number of drums from the BAD Site.

26. *Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

RESPONSE TO 26:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. NL further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, NL has limited its review of documents and information to the specific SOIs identified by EPA.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

27. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

RESPONSE TO 27:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible due to the extent of NL's history /operations. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. NL further objects to Request No. 27 to the extent that EPA is already in possession of the

requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no information responsive to this request concerning the 24th Street or Marin Street properties. All information concerning the BAD Site response actions are already available to EPA.

28. *Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.*

RESPONSE TO 28:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and NL's purported operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. NL understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

29. *Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.*

RESPONSE TO 29:

In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, NL has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, NL understands that EPA is already in possession of DTSC's files regarding the BAD Site. Respondent is under no further obligation to identify time periods to which these documents do not pertain.

Notwithstanding the foregoing, and without any waiver of its objections, NL has no new information responsive to this request.

Craig Whitenack, Civil Investigator
US EPA, Region IX, Los Angeles, CA
January 7, 2010
Page 18 of 18

30. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

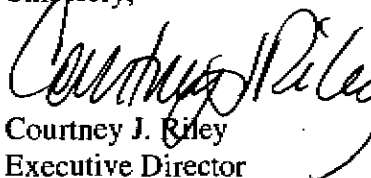
RESPONSE TO 30:

Respondent objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, Respondent has limited its review of documents and information to the COCs identified by EPA. NL further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and NL's purported operations in connection with it. DTSC's investigation included an information request to NL and the DTSC files include NL's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, in response to this RFI, NL has not located any additional documents, which have not already been provided to DTSC or are otherwise available to EPA.

Please direct any further questions you may have about these responses to me at 972-448-1466.

Sincerely,



Courtney J. Riley
Executive Director

cc: Nicholas W. van Aelstyn
Christopher Gibson